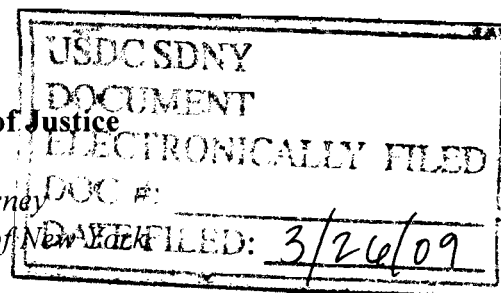


U.S. Department of Justice

United States Attorney
Southern District of New York



The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

By Hand

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Aafia Siddiqui,
08 Cr. 826 (RMB)

Dear Judge Berman:

SO ORDERED:

Date: 3/26/09

Richard M. Berman
Richard M. Berman, U.S.D.J.

As previously disclosed to the Court, and in accordance with the Court's December 23, 2008 Order, the Government retained two psychiatrists to evaluate whether defendant Aafia Siddiqui is competent to stand trial. Both psychiatrists have completed their evaluations independently of each other, and have each submitted a psychiatric report to the Government. We submit both reports to the Court under this cover, and request that the reports be filed under seal, in accordance with the Court's December 23, 2008 Order.

As the reports indicate, both psychiatrists reviewed a wealth of information – including available medical records and reports of interviews of the defendant. In addition, the psychiatrists conducted over eighty interviews, including interviews of the defendant herself, certain Bureau of Prisons mental health professionals and staff members who treated and observed the defendant, and various federal agents who interviewed and observed the defendant.

Based on this information, both psychiatrists have concluded that Aafia Siddiqui presently is competent to stand trial. Specifically, one psychiatrist, in the enclosed March 16, 2009 Report, concludes:

[I]t is this evaluator's opinion that at this time Ms. Siddiqui is medically fit to stand trial. Her medical problems have been treated and stabilized. It is also this evaluator's opinion that Ms. Siddiqui is not presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings or to assist properly with her defense. She has a rational and factual

The Honorable Richard M. Berman
March 18, 2009
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understanding of the proceedings against her and is able to assist her attorneys with a reasonable degree of rational understanding should she choose to do so. In summary, it is this evaluator's opinion that Ms. Siddiqui is competent to stand trial at this time.

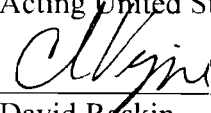
(3/16/09 Report at 34-35.) In addition, this psychiatrist observes that Siddiqui's "lack of cooperation" in the evaluation process "is volitional and not a symptom of mental illness." (3/16/09 Report at 2.) Rather, it is consistent with malingering. (3/16/09 Report at 26-28.)

The Government's other retained psychiatrist concludes in the March 15, 2009 Report that Siddiqui "is competent to stand trial and does not suffer from any mental illness that would preclude her from assisting her attorneys, should she desire to do so." (3/15/09 Report at 1.) The psychiatrist further states that Siddiqui "has most likely fabricated reported psychiatric symptoms to give credibility to her claims that she suffers from a mental disorder." (*Id.*) As the psychiatrist notes, the defendant's "malingered symptoms have provided a dual solution in that a finding of incompetency could serve to both prevent prosecution while at the same time facilitating rapid repatriation." (3/15/09 Report at 38.)

Respectfully submitted,

LEV L. DASSIN
Acting United States Attorney

By:



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cc: Dawn M. Cardi, Esq. (with enclosures)